



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2307407
Applicant Name: Dante Palmaffy for Bob Canaan
Address of Proposal: 2026 14th Avenue W

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) unit lots in an environmentally critical area. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of a single family residence has been approved under building permit 738189 (MUP Number 2302563).

The following approvals are required:

Short Subdivision - To subdivide one parcel into two (2) unit lots pursuant to Seattle Municipal Code (SMC) 23.24.040 and 23.24.045

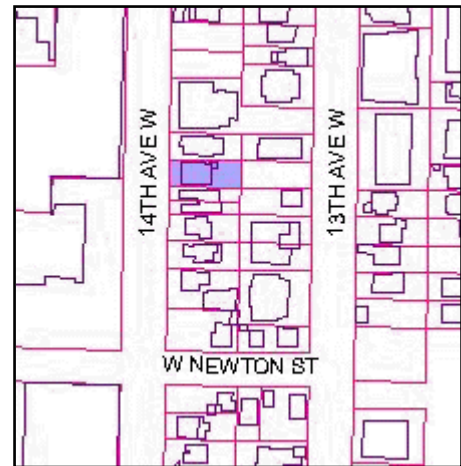
SEPA – Environmental Determination – SMC 25.05

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

This Multi-family Lowrise 2 (L2) zoned 4,203 sq. ft. site is located mid-block on eastern block of 14th Avenue West, northeast of the intersection of West Newton Street and 14th Avenue West in the Queen Anne/Magnolia neighborhood. A single family residence is located on the eastern half of the lot. The lot is permitted for a second single-family dwelling unit which was established by building permit 738189 (MUP Number 2302563.) This site is located in a mapped critical area due to a potential landslide area designation. The lot has approximately forty (40) feet of street frontage improved with curbs, gutters, and sidewalks on either sides of the street pavement.



Proposal

The applicant proposes to short subdivide one parcel into two (2) unit lots. Proposed unit lot parcel sizes are: A) 2,632 square feet and B) 1,570 square feet. DPD building permit 738189 (MUP Number 2302563) to establish use and construct a single-family dwelling with an attached garage was approved prior to the time of this decision. Vehicle access for the two unit lots is from 14th Avenue West.

Comment

No comment letters were received during the comment period which ended February 25, 2004.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings, which follow, are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The existing parent lot subject to this subdivision conforms to all development standards of the L2 zone. The parent lot configuration provides adequate buildable area to meet applicable density, setbacks, lot coverage requirements and other land use code development standards. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions.

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;

Each of the proposed unit lots will have adequate access for vehicles, utilities and fire protection. The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

Seattle City Light provides electrical service to the subject property and has indicated an easement is required. The easement identified in the Seattle City Light memorandum, dated March 2, 2004, and attachment "SHORT SUBDIVISION NO. 2307407, P.M. #250324-3-017, EASEMENT (Overhead and Underground)" shall be included on the final plat prior to recording.

3. *Adequacy of water supply, sanitary sewage disposal, and drainage;*

Sanitary Sewer: The existing structure located upon the proposed Short Subdivision is connected by means of a shared sidesewer, also serving the two unit townhome to the south addressed as 2020 & 2022 – 14th Avenue West, to a 72-inch diameter public combined sewer (PS) located in 14th Avenue West.

Drainage: There is a 12-inch diameter public storm drain (PSD) in the down slope intersection of 14th Avenue West and West Newton Street. This PSD discharges to a Designated Receiving Water.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a Water Availability Certificate, No. 2004-0114 on February 5, 2004. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The proposed subdivision is located in an environmentally critical area so the unit lot subdivision is subject to the provisions of the Environmentally Critical Areas Ordinance. A topographic survey has been submitted with this application along with the geotechnical report which was reviewed for the permit to construct the single-family dwelling unit, permit/project numbers noted above. Therefore, no additional environmentally critical areas review is required for this unit lot subdivision.

6. *Is designed to maximize the retention of existing trees;*

The Screening and Landscaping Requirements of SMC 23.45.045 require trees for new development in Multi-family Lowrise zones. Unit lot B was reviewed for consistency under building permit 738189 (MUP Number 2302563.)

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing.*

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to non-conformities; the following statement shall be required to be included as a note on the final short subdivision:

“The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED** as noted below.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant’s agent (dated January 26, 2004) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation: subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered. A more detailed discussion of the potential impacts from this short plat follows.

Short-Term and Long-Term Impacts

A single-family dwelling unit noted in the application is established by building permit and no additional construction is proposed for this unit lot subdivision application. Therefore, no short-term or long-term impacts are anticipated as a result of approval of the unit lot subdivision.

Earth

The site is located in a mapped critical area due to a potential landslide area designation. The unit lot subdivision application would create two lots from the existing lot by creating a new lot line between the lots. No construction is proposed for the unit lot subdivision and there will be no ground disturbance of the site so no impacts to the earth are expected.

Summary

In conclusion, no significant adverse effects on the environment are anticipated as a result of the proposal. No conditions are imposed as mitigation to specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determine to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2).

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate State statute. The property corners set shall be identified on the plat, as well as all easements shall be shown. A licensed surveyor shall stamp the short plat drawings.

Conditions shall be shown on page 3 of 3 and note shall be inserted on each sheet of the recording documents that states the following: “For conditions of approval see page ____ of ____”. If necessary, renumber all related pages.

2. The Seattle City Light easement described in the Seattle City Light memorandum dated March 2, 2004, and attachment “SHORT SUBDIVISION NO. 2307407, P.M. #250324-3-017, EASEMENT (Overhead and Underground)” shall be noted as ***“An easement is granted to Seattle City Light as shown on page ____ of ____”*** on the final plat prior to recording.

3. Insert the following on the face of the plat:

“The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”

4. Submit a revised copy of the preliminary short subdivision to the Land Use Planner for review prior to recording that shows the following¹:

- Elimination of the surface parking area shown on northwest corner of unit lot B;
- A use and maintenance easement area on unit lot A for unit lot B;
- An ingress/egress vehicle access easement on unit lot A, so that each unit lot can assess their parking from the ten foot wide curb cut shown; and
- A sanitary sewer and drainage easement prepared and approved by this department’s drainage review staff.

Signature: _____ (signature on file) Date: April 5, 2004
Colin R. Vasquez, Land Use Planner
Department of Planning and Development

CRV:bg

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¹ See Correction Notice dated 3/22/04 located in the MUP File.